

109TH CONGRESS  
1ST SESSION

# S. 1149

To amend the Federal Employees' Compensation Act to cover services provided to injured Federal workers by physician assistants and nurse practitioners, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 26, 2005

Mr. ISAKSON (for himself and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To amend the Federal Employees' Compensation Act to cover services provided to injured Federal workers by physician assistants and nurse practitioners, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Improving Access to  
5       Workers’ Compensation for Injured Federal Workers  
6       Act”.

7       **SEC. 2. FINDINGS.**

8       Congress finds the following:

1           (1) Medical services and supplies provided by  
2           physician assistants (PAs) and nurse practitioners  
3           (NPs) are not included in the definition of “medical,  
4           surgical, and hospital services and supplies,” in the  
5           Federal Employees’ Compensation Act (5 U.S.C.  
6           8101 et seq.), PAs and NPs are not included in the  
7           definition of “physician” in such Act, and claims  
8           signed by PAs and NPs have been denied by the Of-  
9           fice of Workers’ Compensation Programs of the De-  
10          partment of Labor.

11          (2) In some rural areas where PAs and NPs  
12          are the only full-time providers of care, injured Fed-  
13          eral workers may have to travel more than 100 miles  
14          to receive care that is reimbursable.

15          (3) In some cases, Federal workers have been  
16          advised to use hospital emergency rooms for non-  
17          emergency care, rather than receiving care after-  
18          hours at local clinics where PAs or NPs are the only  
19          health care professionals on-site.

20          (4) PAs and NPs are legally regulated in all  
21          fifty States, the District of Columbia, and Guam.  
22          Forty-eight States, the District of Columbia, and  
23          Guam authorize physicians to delegate prescriptive  
24          privileges to the PAs they supervise, and forty-nine  
25          States, the District of Columbia, and Guam author-

1       ize NPs to prescribe medications under their own  
2       signature.

3           (5) PAs and NPs work in virtually every area  
4       of medicine and surgery and are covered providers  
5       within Medicare, Tri-Care, and most private insur-  
6       ance plans. PAs and NPs are also employed by the  
7       Federal Government to provide medical care, includ-  
8       ing by the Department of Veterans Affairs, the De-  
9       partment of Defense, and the Public and Indian  
10      Health Services.

11          (6) Amending the Federal Employees' Com-  
12      pensation Act to recognize PAs and NPs as covered  
13      providers will bring this Act in line with the over-  
14      whelming majority of State workers' compensation  
15      programs, which recognize PAs and NPs as covered  
16      providers.

17          (7) The exclusion of PAs and NPs from the  
18      category of covered providers under the Federal Em-  
19      ployees' Compensation Act limits patients' access to  
20      medical care, services, and supplies, disrupts con-  
21      tinuity of care, and creates unnecessary costs for the  
22      Office of Workers' Compensation Programs.

1 **SEC. 3. INCLUSION OF PHYSICIAN ASSISTANTS AND NURSE**  
2 **PRACTITIONERS IN FEDERAL EMPLOYEES’**  
3 **COMPENSATION ACT.**

4 (a) INCLUSION.—Section 8101 of title 5, United  
5 States Code, is amended—

6 (1) in paragraph (2), by inserting after “chiro-  
7 practors,” the following: “physician assistants, nurse  
8 practitioners,”; and

9 (2) in paragraph (3), by inserting after “chiro-  
10 practors,” the following: “physician assistants, nurse  
11 practitioners,”.

12 (b) EFFECTIVE DATE.—The amendment made by  
13 this section shall apply beginning on the first day of the  
14 first Federal fiscal year quarter that begins on or after  
15 the date of enactment of this Act.

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